

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LYLA WEILAND,	)	CASE NO. 17-CV-727
	)	
Plaintiff,	)	
	)	
vs.	)	JUDGE DONALD C. NUGENT
	)	
NANCY A. BERRYHILL,	)	<u>ORDER ADOPTING MAGISTRATE</u>
Acting Commissioner of Social	)	<u>JUDGE'S REPORT AND</u>
Security,	)	<u>RECOMMENDATION</u>
	)	
Defendant.		

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg. The Commissioner has notified this Court that no Objection to the Report and Recommendation will be filed. (ECF #17).<sup>1</sup> The Report and Recommendation, ECF #16, issued on February 28, 2018, is hereby ADOPTED by this Court.

Plaintiff, Lyla Weiland ("Ms. Weiland") sought review of the final decision of Defendant, Commissioner Nancy A. Berryhill ("Commissioner") denying her applications for Period of Disability ("POD"), Disability Insurance Benefits ("DIB"), and Supplemental Security Income ("SSI") under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381 *et seq.* (ECF #1). This Court has jurisdiction over this matter pursuant to 42 U.S.C. § 405(g), and referred the case to Magistrate Judge Greenberg pursuant to Local Rule 72.2.

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<sup>1</sup> When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed. R. Civ. P. 72 advisory committee's notes (citation omitted).

Ms. Weiland has alleged that she is disabled due to Type I diabetes millitus (diagnosed at age 16), carpel tunnel syndrome, and neuropathy and back pain following a motor vehicle accident on June 8, 2015. (See ECF #16, pp. 3-16). Ms. Weiland also alleges she is disabled due to symptoms relating to major depressive disorder, mental abuse and dyslexia. (Id. at pp. 16-17; ECF #13, PageID #97). Ms. Weiland argues that the finding of the Administrative Law Judge, ("ALJ"), was improper, as the ALJ ruled that Ms. Weiland was not disabled. (ECF #16, p. 2).

In the Report and Recommendation, Magistrate Judge Greenberg outlines the years of treatment Ms. Weiland received for her physical and mental impairments. The Magistrate Judge also outlined the ALJ's evaluation of the medical opinions from "treating sources" and non-treating sources. *See Gayheart v. Comm'r of Soc. Sec.*, 710 F.3d 365 (6<sup>th</sup> Cir. 2013). The Magistrate Judge found that the ALJ failed to provide reasoned explanations for rejecting the medical opinions of Ms. Weiland's treating physicians, which "is problematic because the medical record contains evidence potentially consistent with those opinions." (ECF #16, p. 36). An ALJ's "conclusory and unexplained statement that a treating physician opinion is inconsistent with the medical evidence does not constitute a 'good reason' for rejecting those opinions." *Friend v. Comm'r of Soc. Sec.*, 375 Fed. Appx. 543, 552 (6<sup>th</sup> Cir. 2010).

In fact, the Magistrate Judge found the ALJ's decision "so conclusory and devoid of explanation that it deprives this Court of the ability to conduct a meaningful review." (ECF #16, p. 39). For this reason, Magistrate Judge Greenberg recommends that the Commissioner's final decision be vacated and the case remanded to allow the ALJ the opportunity to more sufficiently and thoroughly address the physical functional limitations assessed by Ms. Weiland's treating physicians. (Id.) The Magistrate Judge also recommended that the ALJ reassess his decision

regarding Ms. Weiland's residual functional capacity ("RFC") determination as it relates to her diabetes.

For these reasons, the Magistrate Judge recommends that the ALJ's final decision be VACATED and the case REMANDED for further consideration consistent with the Report and Recommendation. This Court finds Magistrate Judge Greenberg's Report is well-reasoned, well-supported and correct in its conclusions. Therefore, this Court ADOPTS the Report and Recommendation in its entirety.

IT IS SO ORDERED.



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DONALD C. NUGENT  
United States District Judge

DATED: April 11, 2018